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Bordering on Failure: Mexican Instability, Drug Wars, and the Threat to U.S. Security

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Executive Summary

Title: Bordering on Failure: Mexican Instability, Drug Wars, and the Threat to U.S. Security

Author: Major Brandon W. Graham, United States Marine Corps

Thesis: The Mexican drug wars are rapidly evolving and are generating significant levels of instability in Mexico and consequent trends which increasingly threaten U.S. security; therefore, it is vital for both countries to expand cooperation for near and long term mutual benefit.

Discussion: Mexico is facing a crisis of monumental proportions. An evolving drug war, driven by U.S. demand, dominates the Mexican landscape and increasingly terrorizes the daily life of its inhabitants. The war engages the Mexican government, executing a relatively new anti-drug policy, against powerful drug trafficking organizations (DTOs), which are fighting amongst themselves for territory and resources at previously unseen levels. The conflict is evolving in scope and scale and spillover incidents are moving across Mexico's northern border into the United States with greater intensity.

Conclusion: Mexico is not a failed state nor is it on the brink of an insurgent overthrow; however, it would be irresponsible to minimize the effects of the country's evolving drug wars or to overlook the symptomatic instability which continues to plague Mexico. It is incumbent upon both the U.S. and Mexican governments to continue to build cooperation and mutual support to mitigate the causal and enabling factors perpetuating the drug wars. Programs such as the Merida Initiative and Beyond Merida are integral steps toward improvement, but much more expansive efforts must evolve in the years to come to suppress and reverse current trends.

Preface

In the past decade, much of the United States' security emphasis has centered on the Global War on Terror and Overseas Contingency Operations with specific focus on the wars in the Middle East. In the recent past thru today, with the wars in Iraq and Afghanistan winding down, Americans are increasingly concentrating on the economic crisis which embroils the country and the world. Far below the headlines of these events looms the vital war raging to our south. The American population remains largely unaware of the evolving drug wars in Mexico and the deteriorating effects they have on Mexican stability. The risks associated with an increasingly unstable Mexico are real, and the potential cost in blood and treasure for the United States should Mexico fail is well beyond that of the 9/11 attacks and the wars that followed. I undertook this project because I, like most Americans, was unaware of the deteriorating situation in Mexico and I wanted to expand my understanding of the insidious threat growing to our south.

I would like to thank Dr. McKenna for his help with my endeavor, and specifically for his patience and flexibility while allowing this project to grow into a worthwhile experience.

Introduction

For most Americans the concepts of failing/failed state and insurgency quickly bring to mind images of the last decade's worth of U.S. wars in the Middle East, or possibly a veiled thought of a struggling unnamed country in Africa. Only a small minority of Americans would think of Mexico. Yet in light of the evolving drug wars dominating the Mexican landscape, application and consideration of these controversial terms continue to gain momentum as they enter into high-level discussion.

The Joint Operating Environment (JOE), published by U.S. Joint Forces Command (USJFCOM) in December, 2008, asserts that Mexico is one of two large and important states that "bear consideration for a rapid and sudden collapse."¹ The JOE qualifies its claim citing "[Mexico's] government, its politicians, police, and judicial infrastructure are all under sustained assault and pressure by criminal gangs and drug cartels," and concludes that the result of this conflict will have a "major impact on the stability of the Mexican state."² Shortly after release of the JOE, U.S. Director of National Intelligence Dennis Blair refuted this contention, countering 'Mexico is in no danger of becoming a failed state.'³ Nonetheless, the mere mention of such a thought, however momentary, causes one to consider the implications and validity of Mexico's possible collapse.

Similarly, in remarks delivered to the Council on Foreign Relations in September 2010, U.S. Secretary of State Hillary Rodham Clinton directly linked the term insurgency to Mexico, stating, "We face an increasing threat from a well-organized network, drug trafficking threat that is, in some cases, morphing into or making common cause with what we would consider an insurgency, in Mexico..."⁴ The Mexican government immediately denied this description, and members of the U.S. administration, reportedly including President Obama, subsequently revised

the remarks.⁵ Once again, however, a controversial descriptor – this time from a prominent administration official – gained notice and contemplation.

Although Mexican officials strongly denounce correlations between their country and the concepts of failing/failed state and insurgency, and U.S officials recanted the application of these descriptions to Mexico, significant concerns remain regarding Mexico’s capacity to manage their drug wars.⁶ This paper argues that the Mexican drug wars are rapidly evolving and are generating significant levels of instability in Mexico and consequent trends which increasingly threaten U.S. security; therefore, it is vital for both countries to expand cooperation for near and long term mutual benefit. To support this claim, the paper will provide a descriptive overview of Mexico’s rising instability and explain how the drug wars fuel this deterioration. In doing so, examination will detail origins, evolution, and interplay of two significant actors, i.e., the drug trafficking organizations (DTOs) and the Mexican government. The paper will then outline the threat to the U.S. by examining the controversial topic of “spillover” violence and other crimes resulting from the drug wars. Finally, the paper will offer some thoughts on current initiatives and provide recommendations going forward.

Mexican Instability: An Overview

Mexico is facing a crisis of monumental proportions. Dominating the country’s landscape is a multi-faceted drug war that increasingly influences the daily life of its inhabitants and reverberates beyond its borders. The war pits the Mexican government against powerful DTOs, and also features fighting among the DTOs for invaluable territory and resources. The resulting violence and bloodshed continue to surpass historic levels, and just as troubling, the nature of the conflict is evolving. In a Congressional Research Service (CRS) report dated

January 7, 2011, researchers note the changing nature of Mexican violence and identify troubling trends including the DTOs' alleged killings of a significant number of public servants (e.g., 12 Mexican mayors and a gubernatorial candidate in 2010).⁷ The report also highlights recent massacres of young people and migrants, the killing and disappearance of journalists, and the increased use of torture as well as the employment of car bombs in the DTOs' tactical repertoire.⁸ The spectrum of activity and violence and the resulting sense of public paralysis contribute to a state of instability that presents a clear threat to governmental sovereignty.

The sheer magnitude of violence is difficult to comprehend, but the statistical portrayal can impart, to some degree, the realities and trends of drug-trade related violence in Mexico. In late 2011, the Mexican government announced that between December 1, 2006 and September 30, 2011 Mexico experienced 47,515 narco-related homicides. Of the nearly 50,000 deaths, 12,903 took place in the first nine months of 2011, indicating continued growth in the disturbing trend.⁹ Kidnappings represent another rampant and escalating problem in Mexico, rising by as much as 317% since 2006; this trend demonstrates another alarming example of the evolution of criminal activity undertaken by the DTOs.¹⁰

If the drug-trade related homicide-rate monthly average for 2011 did continue through the last three months of the year, then 2011's totals would exceed 17,000, thus surpassing the previous high of 15,273 drug-trade connected deaths reported in 2010.¹¹ In STRATFOR's annual report on Mexico's drug cartels, the report acknowledges that most estimates put the end total for 2011 below the 17,000 mark;¹² regardless of the exact number, however, murders tied to drug-trade related activity remain perilously elevated and continue to degrade Mexico's stability. Although Mexican authorities have claimed up to 90% of these victims have direct ties to

criminal activity, critics continue to dispute these claims and some note the percentage does little to reassure the populace of its safety.¹³

A shortfall in the data provided by the Mexican government regarding drug-trafficking connected homicides is that the figures are neither verified nor released at regular intervals. Therefore, some organizations turn to Mexican media reporting for their information.¹⁴ This practice will likely become increasingly prevalent since the Mexican government recently announced that it will no longer publicly release a breakout of drug-trade related homicides, rather it will only announce overall national murder statistics.¹⁵ One resource tacitly endorsed by the CRS is the National Mexican newspaper *Reforma*. A CRS report comments that *Reforma* is generally more conservative and cautious about classifying a death as related to the drug-trade relative to official sources and other media outlets. The report goes on to illuminate the following statistical breakdown for Mexican drug-trade related deaths: 2,280 (2007), 5,153 (2008), 6,587 (2009), and 5,775 (2010 – first six months only).¹⁶ Although these numbers are comparatively lower than those released by the government, the trends are consistent and the magnitude remains horrific.

Mexico's evolving drug wars are driving these trends that directly correlate to the country's increased instability. The next two sections examine the main actors involved in the drug wars, the DTOs and the Mexican government respectively, along with their dynamic interaction. Although these two actors are not the only influencers on the drug wars, they are the most significant.

Drug Trafficking Organizations: Origins and Evolution

Origins of the Mexican Drug Cartels

In the book, The Three U.S.-Mexico Border Wars: Drugs, Immigration, and Homeland Security, author Tony Payan provides a brief history of illegal drugs and the border. Payan cites the counterculture of the 1960s, represented by “America’s love affair with illegal drugs,” as the beginning of the affiliation between illegal drugs and the U.S.-Mexico border.¹⁷ During the 1960s and 1970s, as the borders remained relatively open and America’s demand for illegal drugs grew, the smuggling business along the border boomed. Over time, the United States’ appetite grew from marijuana to heroin and cocaine. Mexico supplied much of the marijuana and heroin, while smugglers brought cocaine from Columbia into the U.S. through the Caribbean.¹⁸

In the 1980s, the United States cracked down on cocaine flow through the Caribbean, which drove Colombian drug traffickers to find a different route for their product; Mexico, with its enormous and porous border, presented a viable option.¹⁹ The Columbians worked out a deal with Miguel Angel Felix Gallardo, a well-known Mexican drug smuggler. Gallardo, who had already united multiple smaller organizations and controlled much of the illegal drug trade between the U.S. and Mexico, consolidated the Colombian-Mexican multi-drug corridor into a formidable business and emerged as “the drug lord of the border.”²⁰

Gallardo was eventually arrested in 1989, and although he continued to manage operations from behind bars, he saw the environment was changing. His subordinates were competing for organizational power and control, and the United States was shifting its counter-narcotics focus to Mexico. As a result, Gallardo established a four-way division of his organization along territorial lines – corresponding to Mexican smuggling corridors.²¹ Gallardo

created and assigned what would become: (1) the Tijuana Cartel to the Arellano Felix family (AFO), (2) the Sinaloa-Sonora Cartel to Joaquin Guzman Loera (aka “El Chapo”), (3) the Juarez Cartel to the Carrillo Fuentes family (CFO), and (4) the Gulf Cartel to Juan Garcia Abrego.²² Gallardo’s orders gave birth to the four main Mexican cartels that would dominate the landscape for the foreseeable future and that are still inextricably linked to modern drug-trafficking operations.

Evolution into Drug Trafficking Organizations

In the book, Cartel: The Coming Invasion of Mexico’s Drug Wars, author Sylvia Longmire documents the evolution of the cartels from their origins at the hands of Gallardo to the modern day DTOs. Although Longmire does not claim that the cartels always got along or that their relations were completely passive at the beginning, she does suggest that relationships and the environment were starkly different in the organizations’ formative years compared to today.²³ Longmire conveys that in the late 1980s the drug organizations indeed acted more like cartels, i.e., an atmosphere of greater cooperation for mutual benefit and profit existed against a backdrop of tacit government acceptance.²⁴ Longmire argues that the controversial death of Amado Carrillo Fuentes of the Juarez Cartel in 1997, marked a turning point for cartel relations and their general operating environment.²⁵ The death of Fuentes created a vacuum in the highly profitable Juarez corridor and sparked a rivalry to fill the void.²⁶ With the corridor ripe for takeover, Ciudad Juarez began a bloody descent, and the DTOs intra-struggle for control of territory and drug revenue mounted.²⁷ The once accommodating relations of mutual benefit and profit amongst the cartels were crumbling, and in their wake an environment of violence and greater instability began to emerge.

The same four drug organizations that emerged in the early 1980s continued to dominate the landscape through 2006. Since then, some significant shifts have taken place, but all roots can still trace back to the organizations of the early 1990s.²⁸ The CRS report *Mexico's Drug Trafficking Organizations: Source and Scope of the Rising Violence*, dated January 7, 2011, reported that seven Mexican drug organizations currently “dominate the landscape and control trafficking routes into the United States.”²⁹ The report identifies the seven DTOs (the original four plus: Los Zetas, the Beltran Leyva Organization [BLO], and La Familia Michocana [LFM]) and graphically depicts their respective operating areas.³⁰ (See Appendix A: DTOs Areas of Influence Map.) Los Zetas represent the most dynamic and significant addition to the list of major DTOs. Originating as the Gulf Cartel’s enforcement mechanism, this group of former Mexican-army Special Forces troops broke from the Gulf Cartel, declared war against their former employer, and quickly became one of the most dominant DTOs in Mexico – all within the last few years.³¹

The recent annual report on Mexico’s drug cartels published by STRATFOR in January, 2012, recognizes some notable changes to the major cartels as identified in the CRS report released only a year prior. STRATFOR’s report identifies ten DTOs as “major cartels” compared to seven in the CRS report; although the lists are fairly consistent, the differences are worth noting.³² The seven cartels from the CRS report are all mentioned by name in STRATFOR’s list, or by an offshoot name, i.e., the BLO recently splintered and is now known primarily as Cartel Pacifico Sur. Additionally, LFM also splintered, and while LFM still exists, an organization called Knights Templar is emerging in its wake. Finally, to complete their list, STRATFOR added two other cartels not mentioned in the CRS report, the Independent Cartel of Acapulco and Cartel de Jalisco Nueva Generacion.³³ The biggest transformation STRATFOR’s

report identifies, however, is not the makeup of the cartel list – rather it is the trend of polarization.³⁴

STRATFOR's report asserts that the Sinaloa Federation (which controls much of western Mexico) and Los Zetas (which has emerged as the power player in eastern Mexico) have incorporated most of the smaller DTOs from within the country.³⁵ The report argues that, although the battle lines are not absolute and not all DTOs have aligned with one side or the other, the Sinaloa Federation and Los Zetas “have solidified themselves as the country's predominant forces... [And] polarization is clearly occurring.”³⁶ As Longmire notes, “Alliances that seemed ironclad just a few years back can dissolve as a result of a single incident, whether actual or perceived. On the flip side, cartels that have been bitter rivals for years can join forces to wage war against a mutual – and usually more powerful – enemy.”³⁷

Longmire explores polarization further and concludes that although, “One would think that the Sinaloa Federation and the Gulf cartel, which formed the biggest cartel rivalry in Mexico at the time, could never form a truce, let alone an alliance of any sort,” that is just what happened in the spring of 2010.³⁸ Longmire articulates that the power gained by Los Zetas over the previous few years, to the detriment of the Gulf cartel, allowed them to become “probably the biggest threat to El Chapo's operations that he's seen since he first sat down on the Federation's throne.”³⁹ Seeing this threat, the Sinaloa Federation entered into an alliance called the New Federation with the Gulf cartel and LFM to challenge the rising Zetas.⁴⁰

In addition to marking the polarization and geographic trends, STRATFOR's annual report also notes a simplistic yet telling distinction between the Sinaloa Federation (or the New Federation) and Los Zetas – the common Mexican expression: ‘*plata o plomo*’ (‘silver or lead’) frames the distinction.⁴¹ The underlying meaning of the phrase is that cooperation can come

with either a bribe or a bullet. While the Sinaloa Federation is historically more apt to resort to bribes as their preferred way of doing business, Los Zetas prefer to achieve their objectives through sheer brutality. This is evident in the past few years' manifestation of violence in Mexico.⁴² As a sign of continuous change and adaption, however, the Sinaloa Federation is becoming more and more willing to resort to brazen tactics to maintain credibility.⁴³

Longmire poignantly asserts that, "It's hard to say for sure what the drug trafficking landscape will look like in a year or in five years' or ten years' time. By the time a reader picks up [her] book, the New Federation might have dissolved and El Chapo might be at war again with the Gulf cartel."⁴⁴ Likewise, by the time a reader views this paper the entire DTO picture may look completely different. As Longmire concludes, "The one thing that will always remain constant in the evolution of Mexican drug cartels is change."⁴⁵

The important take-away from the brief synopsis of the cartels' origins and evolution over the past decades is recognizing the direct and interdependent relationship that exists between the organizations and Mexico's environment/stability. In the formative years, the cartels operated within a general corporate-like atmosphere and the environment reflected this arrangement, witnessing lower levels of violence and relative stability. As highlighted in the last few years though, as competition grew, relationships weakened and organizations morphed; as such, violence became more rampant and stability plummeted. It is imperative to realize these changes in the DTO macro-level organizational structure are rarely executed without bloodshed; rather these changes are frequently characterized by extreme violence and are substantial contributors to the deterioration in Mexican stability.

As noted above, the evolution of the DTOs and the changing environment are significant in their own right; however, they did not occur in a vacuum. The shift in the political landscape

at the turn of the century is a significant factor in the evolving drug wars. This shift is the subject of the following section.

The Mexican Government: A Changed Political Landscape

Mexico's Institutional Revolutionary Party (PRI) dominated the Mexican presidency from 1929 to 2000. "During that period, the government was centralized, hierarchical, and, to a large degree, it tolerated and protected some drug production and trafficking in certain regions of the country, even though the PRI government did not generally tolerate crime."⁴⁶ The PRI's dealings with the cartels are often characterized by a "live and let live" mantra.⁴⁷ This may sound exaggerated, but at a minimum an overall policy of "accommodation...,' characterized by a working relationship between Mexican authorities and drug lords,'" seemed to exist.⁴⁸ This environment was extremely corrupt, but facilitated general stability between the cartels and the government.

In the 1980s and 1990s, significant economic developments were emerging that would greatly impact Mexico's political landscape. The declining oil prices of the 1980s drove Mexico to expand their legitimate trade opportunities, and in 1994 the historic North American Free Trade Agreement came into being. A requirement for NAFTA was that Mexico had to demonstrate it was not a one party political system; thus, the PRI began to loosen its suppression of opposition parties.⁴⁹ The stability of the political system and the corresponding relationships between the government and the cartels began to erode – beginning first at the local level and then at the national level.⁵⁰ "The process of democratization upended the equilibrium that had developed between state actors and organized crime. No longer were certain officials able to

ensure the impunity of drug traffickers to the same degree and to regulate competition among Mexican DTOs for drug trafficking routes, or *plazas*.⁵¹

The gradual shift in the political landscape was punctuated by the historic 2000 election that put Vicente Fox, from the center-right National Action Party (PAN), into the presidency – the first non-PRI president in over 70 years. The National Defense University’s *2009 Global Strategic Assessment* notes that Fox’s presidency witnessed significant developments in the drug trade, a major change in the regional security environment, and a consequent increase in trafficking-related violence within Mexico. Drug-trade developments included: expanded demand in general, the addition of methamphetamine to the cartels’ smuggling trade, and the emergence of new markets in Europe and Mexico itself. These growing requirements for illegal trade encountered a heightened security posture in the wake of the tragic events of 9/11, e.g., the employment of physical barriers, heightened technology, and increased law enforcement efforts along the U.S.-Mexico border. The increased security at the border led to increased competition among the cartels – vying for control of the prized corridors and the markets they controlled, which in turn began to increase violence and instability within Mexico.⁵²

President Fox attempted to control the violence and confront organized crime, but met with minimal success. One main reason – corruption. In Dr. George Grayson’s article, “Mexico: Transborder Crime and Governance,” he remarks, “From the colonial era to the present, Mexico has never had honest, professional police.”⁵³ Grayson goes on to assert that during the PRI’s lengthy time in the presidency, it established roughly 3,000 police agencies and 350,000 officers at various levels of the Mexican Government, but, “In most cases these officers reaped rewards for advancing the political, social, and economic agenda of the party. Although the authoritarian regime preferred to co-opt foes, it did not hesitate to coerce or even assassinate

opponents.”⁵⁴ Without having a reliable police force, the PAN President called upon the military to confront the DTOs, a decision that his successor would exercise to a larger degree.⁵⁵

In 2006 Felipe Calderon, also from the PAN Party, followed Fox to the Mexican presidency. Like Fox, Calderon is committed to confronting the DTOs and launched an aggressive policy immediately upon entering office; a policy consisting of the basic strategy of targeting DTOs’ leadership.⁵⁶ Calderon has gone even further than Fox in his reliance and usage of the nation’s military, deploying roughly 50,000 Mexican military and thousands of federal police against the DTOs.⁵⁷ Calderon embraced the military and “bent over backwards to ingratiate himself with the armed forces.”⁵⁸ One of Calderon’s promises as he initially addressed Mexico as its president was to increase the budgets of the military, intelligence agencies, and law enforcement institutions.⁵⁹ Calderon lived up to his promise delivering drastic increases in budgetary requests, e.g., over a 75% increase for security spending in 2012 compared to 2007, Calderon’s first full year in office.⁶⁰ During Calderon’s tenure the government also increased personnel numbers for the military, and raised pay levels for those serving on the front lines.⁶¹ “For its part, the brass committed themselves to challenging the enemy because of their respect for the president, their nationalistic ethos, and the loss of sovereignty over areas under siege by drug barons.”⁶²

The DTOs are not passively surrendering to the Calderon government’s crackdown on the drug-trade or attempts to institute law and order. They are adroitly fighting the government, “refusing to allow law enforcement actions to take place or go unpunished.”⁶³ One of the ironies of Calderon’s presidency is that although his kingpin strategy met with some success, e.g., significant increases in criminal extraditions to the U.S.⁶⁴ (See Appendix B: Individuals Extradited from Mexico to the U.S. 1995-2010), the DTOs are demonstrating an exceptional

ability to adapt. “Calderon’s ‘Kingpin Strategy’ has often proved counterproductive. Takedowns sparked severe violence as younger, less effective lieutenants vied for the top spots, rival cartels encroached on fallen *jefes*’ turf and gangs recruited by the *capos* for protection acted more boldly...”⁶⁵ High ranking Mexican officials, to include the Secretary of Public Security, Genaro Luna, and others “have acknowledged that removing the high-value targets at the top of the organization has not paralyzed the DTO because in most cases the organizations have merely transferred power to new and sometimes more violent leaders.”⁶⁶

From a perspective of noble endeavors, President Calderon and his attempt to rein in illegal activity in Mexico is valiant; unfortunately for President Calderon and the PAN party, politics are more often judged by the reality on the ground than intentions. The drug wars during President Calderon’s tenure have grown bloodier and increased instability in much of the country. Although many still appreciate Calderon’s approach, the wear of the drug wars on the Mexican population appears to be taking a toll.

Calderon’s popularity has declined apace with mounting disenchantment over his strategy against DTOs. Although surveys differ and inconsistent answers abound, most reliable pollsters indicated that... Only one quarter of respondents characterized the nation’s situation as good. More Mexicans believe traffickers, not government forces, were winning the drug war, and, for the first time in recent memory, those questioned ranked public safety above the economy as the country’s worst problem.⁶⁷

A Threat to U.S. Security: Spillover

Evidence of Mexican drug war-related violence on U.S. soil is not difficult to find. Cable news programs frequently air an applicable story and a quick search of the internet uncovers numerous such cases. Many sources refer to this type of aggression as “spillover violence.” The term is easy to conceptualize and is used from news reports to congressional testimony. An

attempt to ascertain specific data and metrics on the phenomenon of spillover violence, however, does not unfold quite so easily. In fact, a June 9, 2011, CRS report titled *Southwest Border Violence: Issues in Identifying and Measuring Spillover Violence*, concludes that, “At present, there is no comprehensive, publicly available data that can definitively answer the question of whether there has been a significant spillover of drug trafficking-related violence into the United States.”⁶⁸ The main obstacle to such a query is not that the violence doesn’t exist, but that it is not well defined.

The same CRS report identifies the vital importance of the concept of spillover violence stating, “When assessing the potential implications of increased violence in Mexico as a result of the increasing tensions between the DTOs, one of the central concerns for U.S. policy makers is the potential for what has recently been termed ‘spillover’ violence – an increase in drug trafficking-related violence in the United States.”⁶⁹ Based on this assertion, the importance of understanding and defining the term is clear; however, Congress has yet to adopt a formal definition for spillover violence.⁷⁰ This dilemma contributes to the challenge of accurately measuring and analyzing the problem.

Although Congress has not defined spillover violence, definitions for the term do exist, to include the following description adopted by the interagency community:

Spillover violence entails deliberate, planned attacks by the cartels on U.S. assets, including civilian, military, or law enforcement officials, innocent U.S. citizens, or physical institutions such as governmental buildings, consulates or businesses. *This definition does not include trafficker on trafficker violence, whether perpetrated in Mexico or the U.S.*⁷¹ (emphasis added)

While this definition is a worthy attempt, a close examination reveals some noteworthy gaps. One point of contention is directed at the last sentence that excludes trafficker on trafficker violence, which may be essential to the term.⁷² (With the statistics identified earlier in this

paper, i.e., Mexican officials reporting up to 90% of their drug-related homicide victims reported as directly involved in the drug-trade itself, this argument seems warranted.) Additionally, the opening requirement of “deliberate, planned attacks” could exclude potential American casualties caught in the cross-fire. Both of these gaps leave room for debate and indicate some of the tribulations surrounding the concept of spillover violence. Legal semantics aside, there are disturbing signs emerging which directly link the evolving Mexican drug wars with the growing threat to U.S. security. The remainder of this section highlights pertinent congressional testimony, conveys other interrelated spillover issues, and concludes by presenting multiple examples of realized violence on American soil.

In May, 2011, in a Subcommittee on Oversight, Investigations and Management hearing titled *On the Border and in the Line of Fire: US Law Enforcement, Homeland Security and Drug Cartel Violence*, Steven C. McCraw, Director of Texas Department of Public Safety (DPS), provided numerous indicators of what his department refers to as ‘spill over crime.’⁷³ The following list is not all encompassing, but provides a few injects from McCraw’s testimony which reflect portions of the problem:

- Since January 2010, DPS has identified in Texas 22 murders, 24 assaults, 15 shootings and five kidnappings directly linked to the Mexican Cartels.
- Over the last 18 months, six of the seven Mexican Cartels have established command and control networks in Texas cities. This is a three-fold increase.
- The Mexican Cartels are actively recruiting U.S. law enforcement officers to support their smuggling operations. Two South Texas Sheriffs were convicted for Cartel-related corruption and over 70 Customs and Border Patrol (CBP) Agents have been arrested for corruption along the southwest border.
- The Mexican Cartels are recruiting Texas school age children to support Cartel operations. The border region constitutes 9.4% of the state’s population and now has over 18.9% of the juvenile felony drug and gang referrals.

- The Mexican Cartels and Texas gangs who support them smuggle and traffic in humans. There have been 480 human trafficking victims over the last four years, 77% were children.⁷⁴

In an article titled “Mexico Bleeds over the Border,” subject matter expert Ted Galen Carpenter, a senior fellow for defense and foreign policy studies at the CATO Institute, argues that signs of spillover effects are growing and that “it is almost inevitable that Mexico’s troubling violence will increasingly impact the United States.”⁷⁵ Galen cites general spillover issues already impacting the U.S. at large (e.g., as of 2008 Mexican DTOs had close connections with American gangs in some two hundred fifty cities), and identifies the potential risk of expansion of Mexican drug wars, in the form of proxy wars, on to U.S. streets.⁷⁶ Galen claims that this risk is already developing and mentions multiple incidents such as LFM kidnappings of competing drug dealers in Houston, and suggests that similar cases have occurred in Phoenix, Las Vegas and other U.S. cities.⁷⁷

Galen’s article goes into detail regarding multiple examples of more violent cases of spillover to include: the execution-style killing of seven individuals in Laredo, Texas during 2008-2009 committed by two or more members of the Gulf Cartel; and the September 2009 abduction of Sergio Saucedo, a resident of Horizon City, Texas, whose mutilated body turned up in Ciudad Juarez a few days later.⁷⁸ The article also references expanding threats by Mexican DTOs to include a \$1 million bounty levied in 2010 on Sheriff Joe Arpaio of Maricopa County, Arizona, whose department is heavily involved in intercepting drug shipments.⁷⁹

In an article written by Gary Moore titled “Mexican Spillover Violence: The Riddle Grows,” Moore details two significant cases occurring in late 2011 involving the direct and violent conflict between U.S. law enforcement and Mexican cartel operatives which deepens the discussion of spillover violence. The first case Moore synopsizes took place on October 30,

north of Edinburg, Texas. The incident, as Moore describes, originated with the Gulf Cartel sending a team across the border to recover a lost cache of marijuana. The team subsequently targeted a home in Hidalgo County where a local gang was allegedly distributing the stolen product. The team kidnapped some of the gang members, but police interrupted the crime by pulling over the get-away vehicle. A clash ensued resulting in the near-fatal shooting of Deputy Hugo Rodriguez and the death of his gunman, Daniel Gonzalez Perez. Officials arrested and charged at least six persons tied to this affair. Hidalgo County Sheriff Lupe Trevino, a critic of what he considers exaggerated spillover violence, labeled the event a milestone.⁸⁰ Trevino recognizes the clear connection between the shooting of his deputy, the surrounding criminal activity, and the Mexican drug war,⁸¹ but claims that this incident is the first occurrence of spillover violence his department has investigated.⁸² Trevino concedes, however, “There could be others where his investigations just didn’t establish the direct link.”⁸³

The second event Moore explores occurred just a month later in November, far from the border. A semi-truck, serving as a decoy for U.S. law enforcement, carried a load of drugs on the outskirts of Houston, Texas. Law enforcement personnel were following the tractor trailer in unmarked vehicles, when three vehicles and multiple gunmen ambushed the truck. The ambushers opened fire on the semi, killing the driver, Lawrence Chapa, an undercover informant. A firefight ensued, again resulting in the wounding of a sheriff’s deputy and the death of a gunman. Officials arrested four other gunmen and subsequently ascertained that the criminals were members of Los Zetas.⁸⁴ “Some theorists said the Zetas were sending a message that this was not an attempt to rip off a drug load but a pinpoint assassination of an informant, performed inside a U.S. city to show the Zetas reach.”⁸⁵ In examining the two cases, Moore concludes:

For decades Mexican drug smugglers have had marketing links inside the United States, but the large cartels have kept most of their fighting in Mexico. There has been the unwritten rule: antagonizing U.S. law enforcement isn't worth the risk. But this is only a custom, and customs can change. The drug war itself might be defined as a gradual breakdown of norms and inhibitions. The two recent incidents ask once again: How far will the cartels go?

Unfortunately, the spillover of violence and terror are not limited to private events, identified targets, or violent encounters with law enforcement. In June, 2010, officials and residents of El Paso narrowly avoided potential tragedy when stray rounds from an altercation in Juarez struck the upper floors of city hall,⁸⁶ but that was not the first time stray bullets struck buildings in El Paso. Stray rounds from south of the border have struck other buildings there to include a high school.⁸⁷ But the problem of stray bullets goes beyond simply impacting buildings. Just recently, in February, 2012, Maria Romero was walking with a child on a Tuesday morning in El Paso when a bullet struck her. The round likely came from Juarez, from a shootout involving the exchange of up to fifty rounds between a carjacker and Mexican law enforcement. Thankfully, a local hospital successfully treated and released Romero;⁸⁸ however, violence in Mexico continues to spill over the border.

The presentation of the above testimony and cases is not meant to instill a sense of hopelessness or paint a picture that in any way compares to the magnitude of violence occurring south of the border. The situation north of the border is far better than that existing in Mexico. The purpose of providing the above synopsis is simply to demonstrate the increasing threat to U.S. security as a result of the Mexican drug wars. Galen fairly concludes in his aforementioned article that "spillage of violence is not yet at a crisis point. Nevertheless, it would be a mistake to view it as a minor problem."⁸⁹

Current Initiatives and Recommendations Going Forward

The United States and Mexico have a history of complex relations, but the need to address the evolving threat requires unprecedented levels of cooperation between the two states. A key contributor to this collaboration came in October 2007 when the U.S. and Mexico announced the Merida Initiative.⁹⁰ The initiative grew out of a March 2007 agreement between President Bush and President Calderon after they decided to increase cooperation in the battle against drug trafficking; the agreement included a commitment to provide over a billion dollars in equipment, training, and technical assistance to Mexico between 2008 and 2010.⁹¹ After appropriating nearly \$1.5 billion in funding, Congress expressed growing concerns over the slow delivery of aid during implementation.⁹² In December, 2009, a GAO report revealed that although the Department of State planned to provide almost \$1.3 billion in accordance with Merida, the Department only obligated about \$830 million by the end of September 2009 while expenditures hovered at roughly 2%, or \$26 million.⁹³ Merida still had a long way to go.

Recognizing the vital nature of the original initiative as well as some of its shortfalls (to include overemphasis on providing equipment and under emphasis on implementing institutional reform), the governments of Presidents Obama and Calderon developed a refined strategy often referred to as “Beyond Merida.”⁹⁴ The new strategy operates around four pillars: (1) Disrupting the Operational Capacity of Organized Crime, (2) Institutionalizing the Rule of Law in Mexico, (3) Creating a “21st Century Border”, and (4) Building Strong and Resilient Communities. As Eric Olson and Christopher Wilson at the Mexico Institute of the Woodrow Wilson International Center for Scholars note in their paper “Beyond Merida: The Evolving Approach to Security Cooperation,” the first two pillars outlined are mere refinements of previous efforts, while pillars three and four represent a new and expanded approach to the counter drug effort.⁹⁵

The Merida Initiative and its successor are important steps in the right direction for addressing the deteriorating situation. The Merida Initiative established an important benchmark for cooperation between the two states, and it is imperative that the parties involved continue to build on this mark in the years to come. “Beyond Merida” continues to move in the right direction, and while it correctly provides attention to disrupting and dismantling criminal organizations, the increase in funding that it proposes for institutionalizing the rule of law is imperative for realizing any long term success. Likewise, the emphasis on building strong and resilient communities recognizes that the roots of the situation go beyond security and law enforcement issues, and thus a successful program must address social aspects to achieve a more sustainable future.

While the initiatives and their developments are potentially very beneficial, the solution to the drug wars goes far beyond the Merida programs and their limited funding. The harsh reality is that as long as the demand exists, the black market that feeds the craving will exist and the wars and fallout will continue. Therefore, any serious attempt at addressing the drug wars must focus on decreasing demand. Although complete elimination of demand is not realistic, it is possible to curb demand in coordination with other endeavors – such as those promoted by the Merida programs – to balance the system to a point that Mexico stabilizes and the threat to U.S. security reverses its current trends.

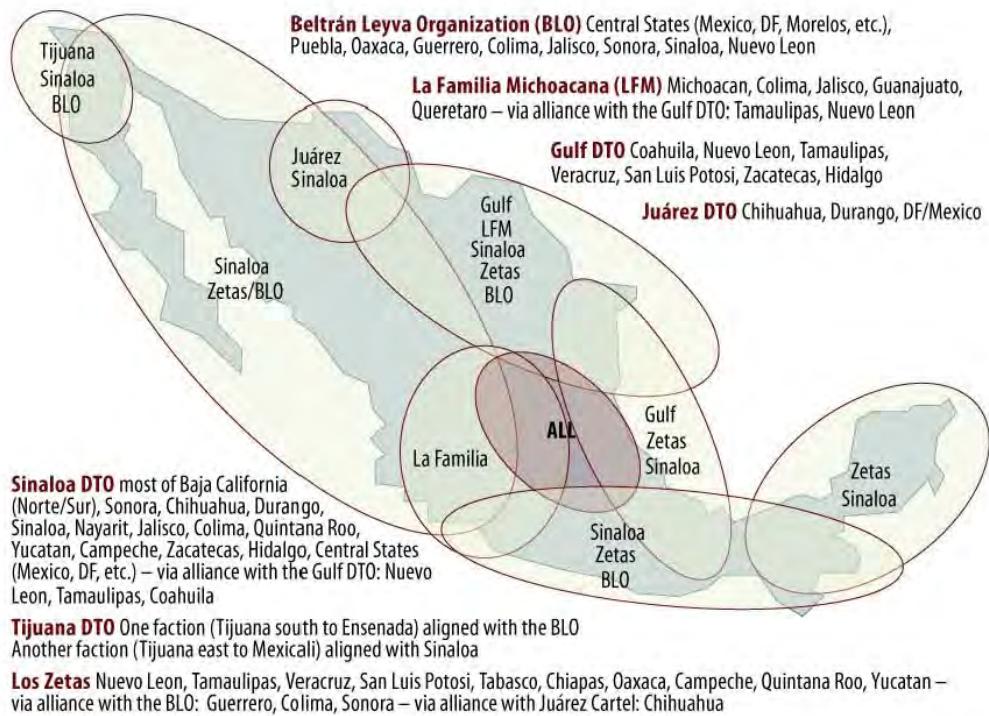
Conclusion

Mexican sovereignty and Mexico-U.S. relations are at a precipice. Over the past several years, President Calderon’s focus on combatting drug trafficking organizations and the escalating infighting amongst DTOs have fractured the status quo of previous decades and manifested an

environment of warlike conditions for the Mexican populace. Unfortunately, the byproduct of this environment is an appalling and upward trend in Mexican domestic violence and an increased spillover threat to the United States. This growing crisis raises legitimate concerns about the stability of our strategic partner and neighbor. A continuingly weakened Mexico imposes significant consequences on the United States: not only does an unstable Mexico contribute to intensifying spillover incidents, but it also threatens to elevate additional illicit activities, e.g., illegal immigration and contraband trafficking; additionally, an unstable Mexico also risks degradation and/or implosion of economic investment and trade which inextricably link the two states and are imperative to the national interests of both countries.

Although Mexico is not a failed state nor is it on the immediate brink of an insurgent overthrow, it would be irresponsible to minimize the effects of the country's evolving drug wars or to overlook the symptomatic instability which continues to saturate Mexico. It is incumbent upon both the U.S. and Mexico to continue to build cooperation and mutual support to mitigate the causal and enabling factors perpetuating the drug wars. Programs such as the Merida Initiative and Beyond Merida are integral steps toward improvement, but much more expansive efforts must evolve in the years to come to suppress and reverse current trends.

Appendix A: DTOs Areas of Influence Map⁹⁶



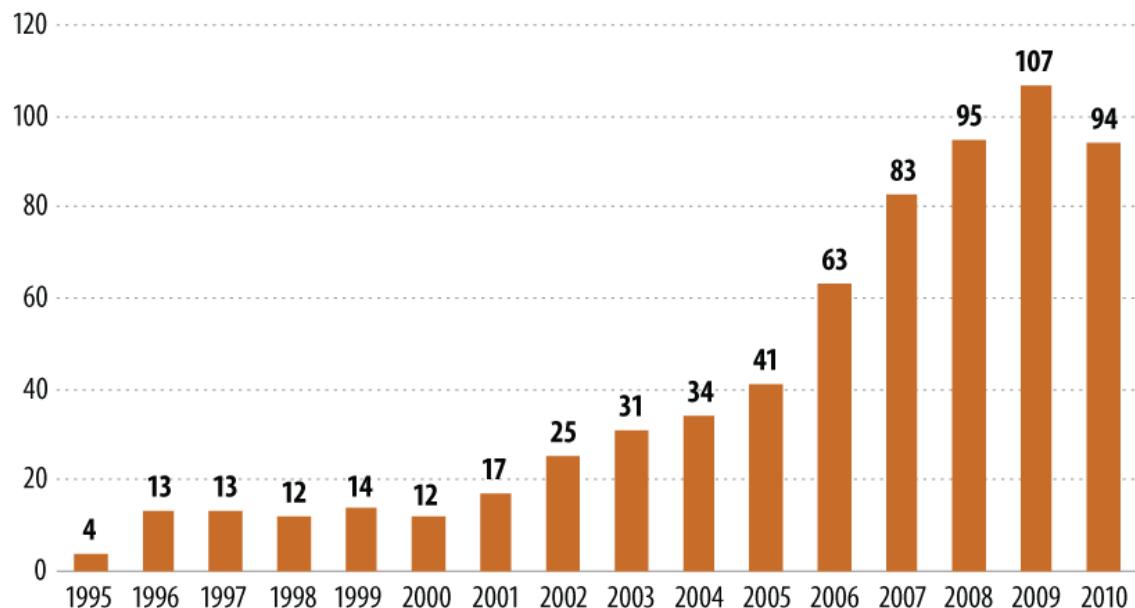
Note: (As of September 10, 2010). The areas of influence are very fluid and the alliances are in constant flux. Geographic information provided for each DTO is intended to show where the organizations operate, not necessarily where they are in control.



Source: Upper map from U.S. Drug Enforcement Administration, September 2010, adapted by CRS graphics. Lower map CRS graphics.

Appendix B: Individuals Extradited from Mexico to the U.S. 1995-2010⁹⁷

Number of Extraditions



Source: 1995—2006 data from U.S. Embassy of Mexico, *U.S. - Mexico at a Glance: Law Enforcement at a Glance*, http://www.usembassy-mexico.gov/eng/eataglance_law.html. Data for 2007—2008 from the Trans-Border Institute, *Justice in Mexico, News Report January 2009*, January 2009, <http://www.justiceinmexico.org/news/pdf/justiceinmexico-january2009news-report021709.pdf>. Data for 2009 from the U.S. Department of State, “United States - Mexico Security Partnership: Progress and Impact,” press release, May 19, 2010, <http://www.state.gov/r/pa/prs/ps/2010/05/142019.htm>. 2010 figures from electronic communication with U.S. Department of Justice.

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